

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KIMBERLY STARLING,

Plaintiff,

v.

STRAIGHT MARKET, LLC,

Defendant.

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Civil Action No. 4:21-cv-00711-O

ORDER

On September 4, 2020, the Court direct Plaintiff to move for entry of default and default judgment against Defendant on or before July 30, 2021 (ECF No. 8). As of the date of this order, Plaintiff has moved for entry of default, *see* ECF No. 9, but has failed to move for default judgment. Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). “This authority flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)).

Plaintiff has had ample time to file a motion for default judgment and has been urged to do so by a Court order. *See* ECF No. 8. He has declined. Therefore, this action is **DISMISSED without prejudice** for failure to comply with a court order and for lack of prosecution. *See* Fed. R. Civ. P. 41(b).

SO ORDERED on this **5th day of August, 2021.**


Reed O'Connor

UNITED STATES DISTRICT JUDGE